

CONSPIRACY WEB IS DRAWN CLOSER ABOUT INDICTED ALLEN OUTLAWS

(Continued from First Page.)

out his own weapon until the firing had begun.

At the moment of adjournment the prosecution brought out the point that nothing Sheriff Webb might have done referred to the murder of William M. Foster, for which offense Floyd Allen is on trial.

Court will adjourn to-morrow afternoon at 2:30 o'clock, after a continuous session from 9:30 o'clock. The Memphis special will be stopped here, and Judge Staples, Judge Harrison and Attorney Willis, Cooke and Cox will go to Roanoke to vote in the municipal primary.

Two physicians to-night removed the plaster cast which has bound Floyd Allen's leg since it was first dressed, and put on a new cast. The swelling was found to be much reduced, and the prisoner felt better physically afterwards.

The first witness of the day was Cyrus Phibbs, and his evidence turned out to be of the utmost importance. He had made maps and models of the Carroll court room, which were displayed at great length. The location and direction of every bullet hole was gone over. It was then discovered that one of the shots which struck Judge Staples' chair was fired from the north side, where only Sidna Edwards and Bird Marion, of the Allen

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plan, so far as is known, were situated on the fatal morning. Further, this shot must have been fired, insisted Mr. Phibbs, from a man standing on a bench, since it came from above the railing in front of the bench.

Fifty-seven Shots Fired. In all, thirty-eight bullet holes were found in the courtroom. Adding those which took effect in the bodies of victims, it would seem that fifty-seven shots were fired.

Again, Mr. Phibbs materially aided the prosecution when he testified that on the evening before the shooting he saw Sidna Allen and Victor M. Allen

make threatening gestures. It was when the jury first reported to the effect that it had not agreed, Mr. Phibbs saw the two men walk to the bar while awaiting the jury's reply. Each put his left arm on the railing and each had his right hand on a pistol in his hip pocket. The witness saw both pistols clearly, and repeatedly said he could by no means have been mistaken in this point. The supposition was that had the jury at that time convicted Floyd Allen the tragedy would have occurred then.

For his client, Sidna Edwards, W. W. Cox made a desperate fight on cross-examination. His point was that both Sidna and Victor Allen are left-handed, and therefore Mr. Phibbs was mistaken about their handling of the pistols. A great many questions were asked regarding the bullet perhaps fired by Sidna Edwards, but the witness remained steadfast.

G. W. Edwards was examined by Commonwealth's Attorney S. Floyd Landth of Carroll. The witness heard Floyd Allen make threats against W. M. Foster. On cross-examination Edwards did not make a favorable showing. It seems he had sworn to threats made by Floyd Allen during the latter's trial, and the prisoner had then asserted Edwards was guilty of a deliberate falsehood. The witness had entertained the Baldwin-Felts detectives at times, but the prosecution sought to bring out the fact that the detectives had at no time sought evidence for the trial, but had been trying to catch the fugitives. Sidney Towe, who said he was on friendly terms with Floyd Allen, heard the latter say that if he were convicted "he would put the biggest hole in the courthouse any other man had ever done." It seemed that Towe was in the courthouse during the shooting, but the prosecution did not desire to examine him on this, and the defense was not permitted to do so, on cross-examination.

Gilmer on Stand. The next witness was Howard C. Gilmer, who was in the Texas hotel, next to the courthouse, at the time of the shooting. Mr. Gilmer is a lawyer

of Pulaski. He heard the shots fired and saw the Allens come from the courthouse to the green, Floyd and Sidna. Both were firing back at the courthouse. Floyd shouted something to the effect that he had been shot in the bowels. Then he made some remark about shooting a damned scoundrel. He backed to the street, shouting.

A young man whom Mr. Gilmer thought was Sidna Edwards came close to the hotel, carrying a very large pistol, which the witness said looked about a foot long. He seemed much excited, but Mr. Gilmer did not see him shoot. Two others fired besides Floyd and Sidna Allen, but Mr. Gilmer did not know them. A woman in black went about among the men, and spoke to Sidna Allen once.

Mr. Gilmer went to the courtroom when the shooting ended, and helped to care for Judge Massie, receiving his dying message to his wife. The jurist said to his friend, "I die doing my duty."

The cross-examination revealed little that was new. Recross then came, placed on the stand when court reconvened. Dexter Goad said he was forty-four years of age, lived at Hillsville, and had been clerk of the Circuit Court of Carroll county for six years. He was formerly a member of the House of Delegates, and had been a United States commissioner. The witness seemed clear at all times. He looks younger than he is.

Some time was consumed in reading various indictments, still pending in Carroll against Floyd Allen, Sidna Edwards, Sidna Edwards and Victor Edwards. The idea of the prosecution was to show a motive for shooting up the court. The defense objected. The jury was taken out, and John S. Draper, of counsel for the Commonwealth, read the indictments to show that collateral facts may be produced to show guilty intent. Judge Staples permitted the indictments to go before the jury.

Events of Trial Retold.

Gradually the events of the trial were gone over. On the evening of March 12, the jury came in, reported it had not agreed, and said if it could get some instructions, it would arrive at a verdict. Adjournment was taken to 8 o'clock the next morning. Asked to tell of the shooting in his own words, Mr. Goad said:

"On Thursday morning, when court met, I saw Floyd Allen, Sidna Allen, Claude Allen and Bird Marion in the room. Sidna and Claude were near the entrance to the judge's room. Marion was standing on a bench nearly behind me. The jury went out, and returned in about half an hour. I read the verdict. The judge instructed that a correction be made, and Mr. Foster came out of the bar. He stood with a book and corrected the verdict. The attorneys made a motion for a new trial for Floyd Allen, and asked for bail until they could get affidavits. Judge Massie said this was not the rule in Virginia, and he ordered the sheriff to take charge of the prisoner. Mr. Webb started toward the entrance to the bar. His hands were by his sides. Floyd Allen stood up, saying: 'Gentlemen,' and muttering something I could not understand. He tumbled nervously with his back to the bar. There was commotion in the courtroom. Shots were fired from the northeast corner. Then a number of other shots came.

"I was standing at my desk. When the shooting began I reached inside my vest for my pistol. As I stepped down from my stand I was shot, and at that moment the sheriff fell by my side. I got my pistol out and fired at Floyd Allen. I don't know how many times. My pistol hung and I stepped back to the corner of the bar. Judge Bolen and Floyd Allen were then both lying on the floor, and Floyd got up and jumped over the bar and left. "Where were you shot?" inquired S. Ponge, counsel for the Commonwealth.

Wounds of Clerk Goad.

"In the right cheek. The bullet ranged to the back of my neck." "Do you know who fired the first shot?" "I do not."

"Where were Sidna and Claude Allen?" "They had been near the northeast corner. Claude had just been in the bar where he held a conversation with his father."

"At what point did you reach for your pistol?" "After about two shots had been fired."

"When did you see Floyd Allen's pistol?" "While he was lying on the floor."

"Do you know who shot you?" "I do not. I saw no one shoot in the room."

"What then followed?" "I went back to the jury room, where Mr. Foster lay. In there some one gave me a pistol and with it I ran to the door and down the steps. I saw Sidna Allen standing at a pillar. He had a pistol in his left hand, and I fired at him. He kept dodging behind a pillar and then coming out to shoot at me, and each time we exchanged bullets. When my cartridges were exhausted I went back to my office. I did not see Floyd Allen on the outside. A good many people were running about."

Mr. Goad then showed the bullet holes in his clothing. In addition to the wound in his cheek, he had been shot twice inside his chest and once on the left hip. In addition, there were holes through his right trousers leg between the knee and ankle, in the left side of his coat and his coat tails.

As to Mr. Foster's part, the witness said the former Commonwealth's attorney was facing toward Floyd Allen when the shooting began. Then he walked back toward the door, retraced his steps, and went to the jury room, where he died. Before the shooting was over, said Mr. Goad, his daughter, Miss Jezebel Goad, came to his side in the courtroom. The clerk said his daughter did not give him a pistol. Neither did he see Webb Foster or Judge Massie with a pistol. He thought he saw Deputy Sheriff Edwards with one, and perhaps Deputy Sheriff Fowler had a gun, but he did not see either shoot. He contended he could not have shot Miss Ayers from his position, provided she was in the same place as the day before, but he did not see her that morning.

Indictments Brought Out. Cross-examining Mr. Goad for the defense, Judge N. H. Halstrom brought out the many indictments resulting from the "school house row," in which the Edwards boys were engaged, evidently to indicate the persecution of the Allens.

"Didn't you shoot at Floyd Allen, in spite of the fact that you did not see him shoot at anybody?" asked Judge Halstrom.

"I did," replied Mr. Goad.

"Were you on friendly terms with the prisoner?"

"Yes."

"Didn't you take a great interest in his conviction?"

"I did not."

"Didn't you go to Mal Davis's, near the North Carolina line, to try to get Samuels to come to Virginia and testify against Floyd Allen?"

"No, I saw him and talked about

the case, but did not try to induce him to come."

"How many pistols did you have?"

"Two—one a small affair I have owned for fifteen years, and I bought an automatic last fall."

"How many cartridges did you have on the day of the trial?"

"In my office I had three boxes of automatics. I don't recall that I had any belonging to the little pistol save those in the chambers."

"Which pistol did you have in the courtroom?"

"Both."

"But you, the clerk of the court, going about your official duties, receiving the verdict in the case of the Commonwealth against Floyd Allen, had in your possession, including the one handed you, three pistols on that day?"

"I did."

Saw Him Draw Pistol.

"Why did you aim at Floyd Allen, when you saw him shoot at no one?"

"I saw him try to draw his pistol, and promiscuous shooting was going on."

"Is he not in fact your personal and political enemy?"

"Not to my knowledge. I have heard he is my political rival."

"Didn't Floyd say once you had charged too much money for setting up a poll tax list, and did you not reply that it was a damned Democratic law and that you were going to charge it?"

"I don't know. I heard he said something about it to some one else."

"Didn't Floyd Allen prefer charges against you when you were United States commissioner?"

"I never heard of it."

"Isn't a fact that the pistol you secured at the jury room was borrowed from Peter Easter, the chief witness for the prosecution on the day before?"

"I don't remember who gave it to me, but Peter Easter says he did."

"Didn't you tell the sheriff to have some of his deputies armed?"

"No."

"You had made ample preparations besides getting witnesses for the Allens, had you not?"

"I had taken precautions."

The Tucker letter came in and was read. Mr. Goad had written it to a friend in Danville regarding the murders. He had told how Mr. Foster had pleaded with the jury to put a stop to the mob rule which had existed in Carroll for fifteen years.

The letter said that Goad did his best to shoot Floyd Allen in the courtroom, and that Sheriff Webb was advancing on the prisoner when Floyd rose and said he would not go to jail. Further, Goad stated that he went out of the courthouse and shot both Floyd and Sidna.

Asked as to the discrepancies between this and the evidence he had given, the witness said he wrote an account of the affair, and had filled in the details he did not know with the statements made him by others.

The remaining questions referred to Mr. Goad's trips up town at night in Hillsville, including one to the room of Mr. Ponge at the hotel. The object was to show that he was exhibiting his pistol at random.

The direct examination had proceeded only a few moments when the adjournment hour arrived. Mr. Goad will go on the stand again to-morrow morning.

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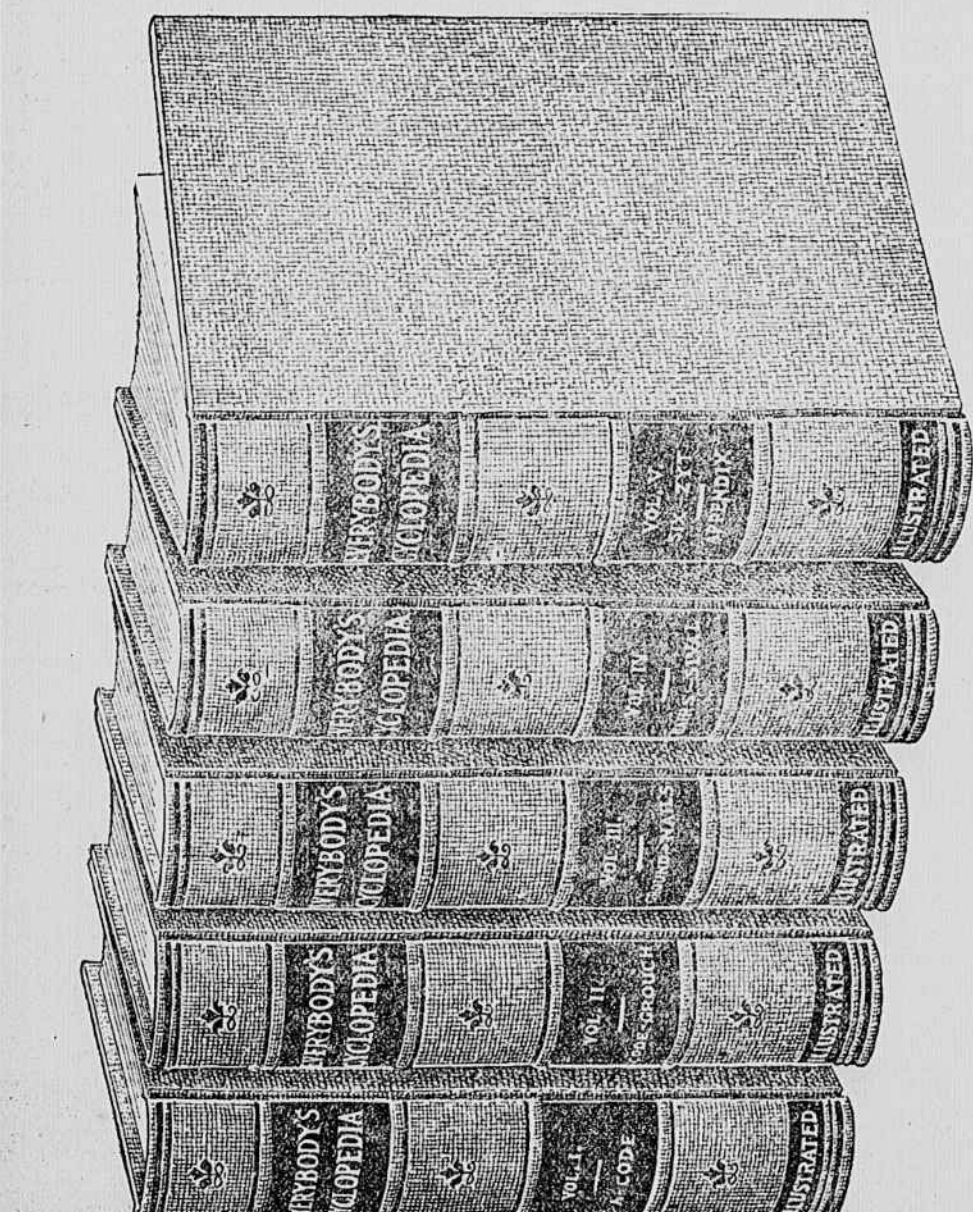


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